

April 30, 1981

LB 76

PRESIDENT: All right, we will proceed then with agenda item #5 and the Sergeant at Arms will clear the Chamber. Only members on the floor and all members will return to your desk and be ready for Final Reading. As soon as all members are at their desk we will commence Final Reading for today. If everyone will get to your desks, we will continue with final debate. I just said that to see if anybody was paying any attention. We will proceed with the first bill, LB 76. Motion on the desk. Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Chambers moves to return LB 76 to Select File for specific amendment. The amendment is found on page 1032 of the Journal.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if you will turn to page 1032 of the Journal, you will see what looks like a very complex amendment. It is lengthy but it is not complex and I will go through it so that you will know the main points of it. First I should indicate that I think there are problems with LB 76 other than the lack of information which I am going to attempt to add to it, but without going into those items, let me say this. The bill does indicate that all law enforcement agencies should have written policies relative to high-speed chases but there is no real direction given in terms of the actual content. So what these amendments that I am offering will do is to take material which was developed by the International Association of Chiefs of Police and put it into the bill. These amendments will not be required as the only policy of the law enforcement agency because they may want to adopt some local type provisions. This amendment allows them to go beyond what is contained herein. So let me go through briefly what the amendment will do because it is lengthy. The first portion of it deals with some legislative findings and to sum that up in a nutshell the thrust is that law enforcement agencies are allowed to engage in an escalation of force in order to apprehend a law violator so long as no more force than is necessary is utilized. For example, if words will do the job, just words. If it is necessary to handcuff, you can handcuff. But if all it takes is a word, you wouldn't be allowed to shoot somebody in the head or something like that. So the escalation of force is allowed. When we come to the idea of chasing people, this bill established some guidelines. It would prohibit negligent or reckless actions by law enforcement officers and it states specifically that if a person being pursued engages in reckless negligent conduct